IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**C.W.P. No.4895 of 2004**
**Date of Decision: 23.10.2006**

**Anil Kumar and others**

Petitioners

versus

**Deputy Commissioner, Patiala and others**

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

**HON'BLE MR. JUSTICE PRITAM PAL**

Present: Shri Vivek Sakhun, Advocate for the petitioners
Shri Govind Goel, Advocate for the respondents

**Jasbir Singh, J. (Oral)**

This writ petition has been filed for issuance of a writ of certiorari to quash order dated 18.12.2003 (Annexure P/6), passed by respondent No.1 and also to quash order dated 31.10.2002 (Annexure P/4), passed by respondent No.2.

It is apparent form the records that respondent No.3 filed one application under Sections 4, 5 and 7 of the Punjab Public Premises and Land (Eviction and Recovery) Act, 1973, for ejectment of the petitioners from land measuring 33'x36', situated near Police Chowki Road, Samana. Details of the property were given in the head-note of that application. After contest, application was allowed by the Collector – respondent No.2, vide order dated 31.10.2002. The petitioners went in appeal, which was dismissed by the appellate authority, vide order dated 18.12.2003.

Counsel for the petitioners, by referring to the order Annexure P/6, has stated that before passing the order, the appellate authority has not referred to the arguments raised by counsel for the petitioners and has also

not discussed the facts, rather the matter was disposed of by passing a non-speaking order. We feel that the argument raised is perfectly justified. Quasi judicial authorities are supposed to apply their mind to the facts of the case, note down contentions raised by the parties and then arrive at the conclusions. In the present case, application of mind is lacking. After noticing arguments of both the parties, appeal was dismissed, by passing a non-speaking order. Facts of the case and the contentions raised in the appeal were also not discussed. In view of this, we set aside the order Annexure P/6 and remand the matter to the Deputy Commissioner, Patiala (exercising the powers of Commissioner under the Act), to decide the appeal, afresh.

Parties are directed to appear before the officer, referred to above, on 27.11.2006. It will highly be appreciated if the appeal is disposed of within a period of three months from the date when the parties first put in appearance before the authority concerned.

Disposed of.

**( Jasbir Singh )**
**Judge**

**October 23, 2006** **( Pritam Pal )**
*gk* **Judge**